

DOCKET FILE COPY ORIGINAL

RECEIVED

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

OCT 05 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

The New Hampshire Public Utilities Commission's)
Petition For Additional Delegated Authority To) NSD File No. L-99-71
Implement Number Optimization Measures In The)
603 Area Code) CC Docket No. 96-98/

COMMENTS OF
LEVEL 3 COMMUNICATIONS, INC.

William P. Hunt, III
Regulatory Counsel
Level 3 Communications, Inc.
1450 Infinite Drive
Louisville, CO 80027

Richard M. Rindler
Michael R. Romano
Ronald W. Del Sesto, Jr.
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
(202) 424-7500 (Tel)
(202) 424-7645 (Fax)

Dated: October 5, 1999

Counsel for Level 3 Communications, Inc.

No. of Copies rec'd 0+4
List ABCDE

TABLE OF CONTENTS

SUMMARY	ii
I. INTRODUCTION	1
II. THE PETITION PROPOSES A NUMBER OF MEASURES THAT THE PUC COULD EFFECTIVELY UTILIZE TO ADDRESS NXX CODE EXHAUST	2
A. NXX Code Reclamation	3
B. Extension or Modification of Rationing Procedures	4
C. Number Utilization and Forecast Informational Reports	4
III. STATES SHOULD NOT BE PERMITTED TO UTILIZE UNTESTED METHODS OF NUMBER CONSERVATION THAT ARE SUBJECT TO FURTHER DISCUSSION, DEVELOPMENT AND STANDARDIZATION	5
A. Unassigned Number Porting	5
B. Thousands Block Number Pooling	6
C. Adoption of Interim Number Assignment Standards	9
D. Enforce Number Assignment Standards and Audit Numbering Resources	10
IV. CONCLUSION	13

SUMMARY

Level 3 commends the New Hampshire Public Utilities Commission (“PUC”) for considering the issue of numbering resource optimization. While numbering resources are becoming more scarce for a variety of reasons, it is important for the PUC to proceed carefully. Competitively neutral rules that impose the least amount of regulatory burdens are needed to preserve and encourage competition. Level 3 supports a number of the PUC’s number conservation measures. Level 3 agrees that allowing the PUC to reclaim unused NXX carriers could provide a reasonable means of making more efficient use of numbering resources, so long as appropriate safeguards are put in place. The Company further agrees that providing the PUC with expanded authority to administer NXX code rationing efforts is desirable. Level 3 would also support providing the PUC with authority to require all code holders to report utilization and forecast information if the information remained confidential and if such information was not used as a means to prevent carriers from obtaining subsequent NXX codes.

There are number of respects, however, in which Level 3 believes that the PUC’s proposals would either negatively impact the competitive marketplace or need further study. Unassigned number porting is still in the developmental stage and may negatively impact other number conservation measures. While Level 3 recognizes that thousands-block number pooling may prove useful in the future, there are still many hurdles that must be resolved. If the Commission were to grant the PUC authority to engage in number pooling, the Commission should limit its delegation in the same manner it has in recent orders. The Company objects to placing additional regulatory burdens on carriers seeking initial codes that will yield few long-term benefits. Level 3 is concerned about the competitive neutrality of rules that would require carriers to reach certain utilization thresholds before carriers could obtain growth codes. Finally, Level 3 objects to any delegation of authority that would allow any state to engage in enforcement activity prior to the development of standardized procedures.

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

The New Hampshire Public Utilities Commission's)	
Petition For Additional Delegated Authority To)	NSD File No. L-99-71
Implement Number Optimization Measures In The)	
603 Area Code)	CC Docket No. 96-98

**COMMENTS OF
LEVEL 3 COMMUNICATIONS, INC.**

Level 3 Communications, Inc. ("Level 3"), by undersigned counsel and pursuant to the Common Carrier Bureau's September 15, 1999 Public Notice,¹ hereby submits its Comments in the above-captioned proceeding.

I. INTRODUCTION

Level 3 is a communications and information services company that is building an advanced Internet Protocol technology-based network across the United States, connecting 25 cities. Level 3 will deploy its network in phases by 2001. The company also plans to build local networks in cities across the country and to interconnect those networks with its national long distance network. As a facilities-based provider of local services, Level 3 is dependent upon adequate access to numbering resources to serve customers and expand the geographic scope of its operations.

Level 3 welcomes the initiative on the part of the New Hampshire Public Utilities Commission ("PUC") in attempting to address the problems associated with NXX code shortages. Indeed, Level 3's inability to obtain NXX codes and telephone numbers is one of the most significant, artificial barriers to competitive entry and expansion. Level 3 agrees that

¹ *Common Carrier Bureau Seeks Comment on the New Hampshire Public Utilities Commission's Petition for Delegation of Additional Authority to Implement Number Optimization Measures in the 603 Area Code*, NSD File No. L-99-71, DA 99-1894, Public Notice (rel. Sept. 15, 1999). The New Hampshire Public Utilities Commission's Petition is hereinafter referred to as "PUC Petition."

several of the measures proposed by the PUC could in fact remedy the number allocation problems currently facing several Numbering Plan Areas (“NPAs”).

There are several other respects, however, in which the PUC’s approach to the NXX code shortages is inappropriate. For example, Level 3 continues to believe that, rather than looking to novel measures as a panacea for code exhaust, the PUC should be required to use more tested and reliable means of increasing access to telephone numbers. There is no guarantee that these alternative conservation measures – such as unassigned number porting or number pooling – will work, and it would be inefficient and burdensome for carriers to comply with what may become up to 50 separate number consolidation mechanisms.² Only after effective uniform federal solutions to these alternative conservation measures have been developed and tested should the states be encouraged to implement them. Indeed, the Commission is in the midst of a comment phase regarding the development of a national numbering administration framework.³ The Commission should not presuppose or undermine the development of this national framework by giving the states piecemeal authority to develop independent numbering policies.

² Indeed, the rush of states filing petitions such as that filed here by the PUC indicates that pooling trials in a great number of jurisdictions could very quickly become a reality. Moreover, while the Commission noted in its recent orders delegating numbering administration authority to several states that pooling trials should be conducted in accordance with industry guidelines, it also left these states free to depart from the guidelines as long as they “consult with the industry” before doing so. *See, e.g., In the Matter of the Massachusetts Dept. of Telecom. and Energy’s Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes*, CC Docket No. 96-98, FCC 99-246 (rel. Sept. 15, 1999) (“*DTE Delegation Order*”), at para. 14. Since the scope of this “consultation” has been left unclear, there is no way of knowing precisely when or how states may choose to depart from industry guidelines on pooling.

³ *See In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, Notice of Proposed Rulemaking, rel. June 2, 1999 [hereinafter *Numbering NPRM*].

II. THE PETITION PROPOSES A NUMBER OF MEASURES THAT THE PUC COULD EFFECTIVELY UTILIZE TO ADDRESS NXX CODE EXHAUST.

Level 3 supports the following number conservation measures for which the PUC seeks delegated implementation authority from the Commission.

A. NXX Code Reclamation

Allowing the PUC to reclaim unused NXX codes from carriers could provide a reasonable means of making more efficient use of numbering resources.⁴ Level 3 is concerned, however, about the PUC's proposal to "reclaim codes that were acquired by carriers certifying that they would be facilities-based, but who have failed to establish facilities within the appropriate time frame."⁵ It is essential that carriers not be forced to return NXX codes prematurely if their business plans call for the use of those codes in the foreseeable future. Many competitive local exchange carriers ("CLECs") place orders for NXX codes months in advance of entering a rate center in order to ensure that the numbering resources will be readily available once customer sales begin. CLECs may also decide to assign telephone numbers to a customer months in advance of serving that customer as part of their marketing efforts and business plans.

Similarly, CLECs may apply for certification and codes with a facility deployment schedule in mind, but then find that the schedule for deployment has changed. To avoid interference with carrier business plans, the Commission should prohibit the PUC from reclaiming codes from a carrier because it makes the subjective determination that the carrier in question has not made use of those codes or deployed its facilities in a adequate amount of time. Rather, the Commission should help ensure the competitive neutrality of any rules the PUC may adopt. If the PUC is given authority to reclaim unused NXX codes, appropriate safeguards must be in place so that the state or numbering administrator is not given an inordinate amount of power over carriers' business plans. Among other things, the Commission should direct that the

⁴ See PUC Petition at 11-12.

⁵ *Id.* at 12.

PUC may only take action to reclaim an unused NXX code if the carrier has held the code for more than one year.⁶ The Commission should also make clear that any delegation of authority to the PUC with respect to reclamation of NXX codes only applies to those codes that are truly unused, and not to any codes that are simply determined by the state regulator to be somehow “unnecessary” on a subjective basis. Finally, the Commission should mandate that the PUC afford carriers the opportunity to not only explain any extenuating circumstances associated with the failure to use NXX codes,⁷ but also refrain from repossessing NXX codes from a carrier that provides a reasonable basis for keeping those codes consistent with its business plan.

B. Extension or Modification of Rationing Procedures

Providing the PUC with expanded authority to administer NXX code rationing efforts appears reasonable and even desirable.⁸ Unlike other number conservation measures discussed below, Level 3 does not believe that rationing requires uniform implementation or further testing and development at the federal level.

C. Number Utilization and Forecast Informational Reports

Level 3 generally supports the PUC’s request for authority to require all NXX code holders to report utilization and forecast information, but is concerned about the scope of the authority sought by the PUC.⁹ If number utilization and forecast information were simply used as an information tool, if appropriate nondisclosure protections were in place, and if the forecasts were not treated as binding, Level 3 agrees that it would be useful for the PUC to have access to such information in identifying and planning for area code exhaust. However, if this information

⁶ Level 3 recognizes that current industry numbering guidelines direct carriers to return NXX codes to the numbering administrator if a code is no longer needed or is not activated within six months. However, in some cases customer requirements may cause a carrier to delay activation until several more months have passed. In light of the uncertainty of customer demand at times and the voluntary nature of the NXX code return policy set forth in the numbering guidelines, the PUC should not be allowed to take any enforcement action to reclaim an inactive code until at least one year has passed.

⁷ See *DTE Delegation Order* at para. 24.

⁸ See PUC Petition at 13.

⁹ See *id.* at 11.

would be made available to the public, or if it were used to prevent carriers from obtaining subsequent NXX codes (either because the forecasts are binding or because the PUC plans to establish a utilization threshold for future NXX codes), then Level 3 strongly opposes allowing the PUC to collect such information.

In this instance, the PUC is proposing that it be given the power to establish needs-based criteria for the acquisition of codes.¹⁰ The delegation of such numbering authority would generally be harmful because using utilization and forecast surveys to limit access to subsequent NXX codes would artificially limit the geographic scope of carriers' operations. If a carrier is denied the ability to obtain a NXX code to serve a second rate center simply because it was unable to attract enough customers in its first rate center, this creates an unjustified, and possibly unlawful, artificial barrier to entry. Such measures would invite unwarranted regulatory interference with carrier business plans. Level 3 therefore urges the Commission to make sure that if the PUC is given the authority to conduct utilization and forecast surveys, it is made clear that the PUC may not use this information to deny a carrier NXX codes in the future, nor keep the information in any file available for public examination.

III. STATES SHOULD NOT BE PERMITTED TO UTILIZE UNTESTED METHODS OF NUMBER CONSERVATION THAT ARE SUBJECT TO FURTHER DISCUSSION, DEVELOPMENT, AND STANDARDIZATION.

Although Level 3 supports several aspects of the PUC's Petition as discussed above, Level 3 believes the Petition should be denied in part because it is too vague in nature and would undermine national efforts to develop uniform number administration procedures.

A. Unassigned Number Porting

In seeking the authority to implement unassigned number porting ("UNP"), the PUC has failed to provide any detail regarding the scope of its request.¹¹ Level 3 fails to see how the

¹⁰ See *id.* at 10-11.

¹¹ See *id.* at 10.

Commission can provide the PUC with the ability to implement UNP when there is simply no indication of how the PUC would employ that authority, or what safeguards would be in place to ensure that UNP is implemented in a competitively neutral and technically reliable manner.

Even if the PUC's request for delegated authority is worthy of consideration by this Commission despite these deficiencies, unassigned number porting – like thousands block number pooling – is still in a developmental process and the subject of consideration in the Bureau's review of the NANC Report. For the same technical, operational, economic, and competitive reasons that warrant resolution of thousands block number pooling at the federal level, Level 3 urges the Commission to deny the PUC request to implement UNP on an interim basis. The NANC Report again makes clear that the implementation of UNP at this point should be exclusively a federal question: "The provisioning methodologies, administrative procedures and interfaces used to support UNP shall be uniform nationwide."¹² Granting the requested relief to the PUC would violate this uniformity principle, and prejudge the careful consideration of UNP currently under way in the context of the Commission's numbering administration rulemaking proceeding.

B. Thousands Block Number Pooling

The PUC proposes to implement a thousands block pooling regime.¹³ While Level 3 agrees that thousands block number pooling may prove useful in the future in making more efficient use of telephone numbers, there are many technical, procedural, and competitive hurdles that must be resolved before pooling can be considered a viable number optimization solution. For example, the NANC Report sets forth an "Implementation Timeline" which indicates that there are several pooling administration steps, system modifications, and cost recovery decisions that are not yet finalized.¹⁴ The NANC Report indicates that it will take

¹² Number Resource Optimization Working Group, *Modified Report to the North American Numbering Council on Number Optimization Methods* (Oct. 20, 1998) ("NANC Report") at § 6.2.5.

¹³ See PUC Petition at 10.

¹⁴ See NANC Report at §5.3.

between 10 and 19 months to implement pooling following a regulatory order.¹⁵ Moreover, the conclusions set forth in the NANC Report – such as the establishment of a 10% block contamination threshold or the block assignment guidelines – are being considered in an open proceeding in which the Commission is just now receiving and reviewing comments.¹⁶ The Commission should not allow pooling to be implemented where acceptable, appropriate pooling standards are still in such an experimental and developmental stage. Nor should it prejudice the outcome of its own numbering administration rulemaking by awarding pooling authority to the PUC in the interim.

The competitive implications of mandatory pooling on carriers that are not yet required to implement Local Number Portability merit careful consideration and resolution before states are given the authority to compel participation in a pooling program. The PUC has not addressed how it will minimize the potential damage to competition that may result from these proposals.¹⁷ For example, simply forcing carriers with only one or two NXX codes to pool those codes will have a significant impact on the cost structure of local exchange services. This will upset established business plans and may force carriers to withdraw from some markets altogether. The Commission should therefore ensure that operationally sound and competitively neutral pooling guidelines are finalized before the states are given authority to compel participation in pooling mechanisms.¹⁸ Similarly, there must be some equitable method of recovering the costs associated with pooling participation. Furthermore, to be competitively neutral, rules should permit carriers to retain a minimum number of NXX codes that they do not have to pool. However, above all else, any mandatory pooling mechanism must first be demonstrated to be

¹⁵ See *Numbering NPRM*, at ¶ 159 (citing NANC Report at §5.3.3).

¹⁶ See *id.* at ¶¶ 187-192.

¹⁷ In fact, the PUC has devoted hardly any discussion at all to details associated with its pooling plans aside from where it intends to deploy number pooling. See PUC Petition at 9-10.

¹⁸ Level 3 recognizes that pooling guidelines were issued by the Industry Numbering Committee in January 1999. These guidelines do not, however, resolve conclusively the matters still open for consideration before this Commission in the context of the NANC Report and the *Numbering NPRM*.

technically feasible and operationally sound, so that carriers are able to obtain and retain numbers without fear that the numbers they contribute to a pooling mechanism are effectively lost forever.

The prospect of 50 state governments erecting different pooling mechanisms presents a substantial technical and administrative burden for carriers. Given the vast disparity in resources among carriers, these burdens could prove to have a significant impact on the ability of smaller carriers to compete on a national basis. Level 3 therefore respectfully requests that the Commission decline to award the PUC (or any other state commission) the authority to implement a mandatory pooling mechanism until: (i) comprehensive, procompetitive, uniform federal pooling guidelines have been finalized and implemented; (ii) pooling has been demonstrated to work in terms of providing carriers with access to thousands number blocks as needed; and (iii) carriers are ensured that they will be able to recover the costs associated with implementing a pooling mechanism.

In the event the Commission does allow the PUC to implement thousands-block number pooling trials, the Commission should implement limitations similar to those imposed on other state commissions that received such authority from the Commission. For example, in granting the petitions of California, Florida, Massachusetts and New York for additional delegated numbering authority, the Commission noted that only carriers that have implemented permanent LNP shall be subject to the trial. Furthermore, pooling trials must be conducted in accordance with industry guidelines and the state commissions must have a “back-up plan” in place before implementing pooling in any NPA that is in jeopardy. Additionally, the Commission noted that carriers may not be required to implement number portability solely for the purpose of participating in the pooling trial. The Commission also stated that non-LNP capable carriers shall have the same access to numbering resources after pooling is implemented that they had prior to the implementation of the pooling regime. In implementing pooling, the Commission directed that the state commissions allow adequate transition time. The Commission also determined that the states must establish a method for recovering the costs associated with

number pooling and pooling administration and that each state may only implement its pooling trial in a single Metropolitan Statistical Area ("MSA") initially, with other MSAs added on a staggered basis.¹⁹ Thus, consistent with these orders, if the Commission grants the PUC's request to institute thousands-block number pooling, the PUC's authority should be limited in the same manner as the other state commissions.

C. Adoption of Interim Number Assignment Standards

The PUC proposes that it be given the power to limit a carrier's ability to request new NXX codes by implementing a needs-based criteria for acquisition of codes and by establishing fill rates for growth codes.²⁰ Level 3 objects to the delegation of such numbering authority because establishing minimum fill thresholds would artificially limit the geographic scope of a carriers' operations. For example, a carrier may only serve customers in a rate center in an amount equaling 15% of its NXX code for that area. Yet the carrier may see a significant opportunity to attract a sizeable customer base in another rate center. If the carrier is denied the ability to obtain a NXX code to serve that second rate center simply because it was unable to attract enough customers in its first rate center, this creates an unjustified, and possibly unlawful, artificial barrier to entry. While the PUC's Petition also proposes the use of mandatory number pooling so that a carrier could always access telephone numbers in other rate centers without obtaining a new NXX code, Level 3 believes that mandatory pooling measures are unreliable and should not be implemented in New Hampshire for the reasons identified above. Accordingly, without number pooling in place, this minimum fill rate proposal should also be rejected because

¹⁹ See *In the Matter of California Pub. Utils. Comm'n Petition for Delegation of Addt'l Authority Pertaining to Area Code Relief and NXX Code Consvrt'n Measures*, CC Docket No. 96-98, FCC 99-248 (rel. September 15, 1999), at paras. 14-20; *In the Matter of Florida Pub. Service Comm'n Petition to Federal Communications Comm'n for Expedited Decision for Grant of Authority to Implement Number Consvrt'n Measures*, CC Docket No. 96-98, FCC 99-249 (rel. September 15, 1999) at paras. 13-19; *DTE Delegation Order*, at paras. 14-20; *In the Matter of New York State Dept. of Pub. Service Petition for Addt'l Delegated Authority to Implement Number Consvrt'n Measures*, CC Docket No. 96-98, FCC 99-247 (re. September 15, 1999), at paras. 13-19.

it unnecessarily intrudes upon carriers' business plans and impairs their ability to expand service to New Hampshire consumers in geographic areas they do not serve.

Level 3 also opposes the adoption of any rules that would require a carrier to make a demonstration of need in order to acquire codes.²¹ The demands of the marketplace and existing regulatory requirements²² require carriers to consider their equipment, network/switch readiness, business plans and a myriad of other factors prior to requesting initial codes. Adding more regulations will make it harder for carriers to acquire initial codes, which are essential to their business. In today's competitive marketplace, carriers need the flexibility to adapt their business plans as opportunities develop and to offer service in a footprint defined by the demands of the market. Placing more regulatory requirements on new entrants will frustrate the development of the competitive provision of telecommunications services.

Because a carrier's market entry is influenced by factors outside its control, any PUC imposed criteria to show need will fall short. For example, the level of existing investment and a carrier's ability to attract future capital play an important role in determining its service area. The level of funding available to a carrier at any given moment is difficult to predict. Imposing burdensome regulations that would require carriers to demonstrate need in order to obtain initial codes is inferior to allowing the market place to regulate the process.

D. Enforce Number Assignment Standards and Audit Numbering Resources

Level 3 agrees that an appropriate enforcement mechanism is necessary to ensure compliance with the Central Office Code Assignment Guidelines ("Guidelines") and other

²⁰ See PUC Petition, at 10-11.

²¹ See *id.*

²² Carriers already have to abide by certain regulatory requirements in order to be eligible to receive codes. See Central Office Code (NXX) Assignment Guidelines, INC 95-0407-008 (rev. Apr. 26, 1999) at § 4.1.4 ("CO Code Guidelines"); See *Numbering NPRM* at ¶ 58 n.93.

applicable rules governing the use of numbering resources.²³ However, Level 3 agrees with the Commission, in its recent Notice of Proposed Rulemaking, that the NANPA is in the best position to detect a carrier's violation of a numbering assignment rule or guideline.²⁴ Furthermore, number conservation is a national issue and therefore requires enforcement at the national level. Level 3 agrees with the Commission's tentative conclusion in the *Numbering NPRM* that the NANPA should be empowered to take enforcement actions against carriers that violate the Guidelines.²⁵

In addition, administrative convenience and cost considerations favor consolidating enforcement actions regarding numbering violations with the Commission. Subjecting carriers to potentially numerous state commissions with differing procedures, standards and penalties will not only negatively impact carriers, but will inevitable delay enforcement and result in inconsistent numbering policy. The demands of uniformity, consistency and efficiency favor the Commission as the appropriate body.

If the Commission were to determine that state commissions are in a better position to undertake enforcement action in certain situations, Level 3 still requests that the Commission deny the PUC's request for authority in this area. The Commission must work with all of the states to develop uniform guidelines and procedures concerning numbering issues. Numbering policy must be developed on the national level in order to be effective. An important element of such policy is enforcement. If states were allowed to develop their own methods for determining violations and exacting penalties, numbering policy would quickly be disjointed and carriers could potentially be subject to conflicting regulations. Thus, it is important for Commission to

²³ See PUC Petition at 12.

²⁴ See generally *Numbering NPRM*.

²⁵ See *id.* at ¶ 92.

insure uniformity in this area.

The PUC also requests authority to engage in auditing procedures and to implement random audits, in addition to any auditing efforts of the FCC and NANPA.²⁶ As detailed above, the PUC's request should be denied as all enforcement mechanisms should either be administered by one federal agency, or by the states, but after the adoption of uniform procedures. Furthermore, the PUC's request highlights one of Level 3's greatest concerns: excessive regulations. The Commission has not even adopted an auditing process, yet the PUC has already determined that it needs to engage in potentially repetitive auditing practices. Finally, Level 3 submits that the PUC's request is too vague and would also be ineffective. Without detailing what type of random audits the PUC would impose, it is difficult to perceive the benefits of such audits. As a general matter, imposing random audits on carriers exposes companies to the arbitrary application of a costly process.

Level 3 also objects to any delegation of authority that allows the PUC to conduct mandatory number utilization data reporting and forecasting requirements.²⁷ These surveys are intended by the PUC to determine whether a carrier is complying with the minimum fill rates and deserves another NXX code. A carrier whose utilization survey indicated that it was not meeting the PUC's defined minimum fill would be ineligible to receive any more NXX codes in New Hampshire. In essence, this mechanism works in tandem with the minimum fill rates to unnecessarily limit the geographic scope of a carrier's operation. Thus, the PUC's proposals with respect to minimum fill rates and utilization surveys would invite unwarranted regulatory interference with carrier business plans. Level 3 urges the Commission to reject these proposals along with the mandatory number pooling mechanisms discussed above.

²⁶ See PUC Petition at 12.

²⁷ See *id.*

IV. CONCLUSION

Level 3 commends the PUC for taking a proactive approach to resolving the problems of NXX code exhaust. Several of the proposals set forth by the PUC may ultimately assist in making much more efficient use of existing number resources. However, the problem with some of these proposals comes in their vague nature, their timing, and their method of implementation. Even if one looks beyond the PUC's failure to explain adequately the scope of authority sought from the Commission, certain of the PUC's proposed measures are simply not ready for deployment in the market and the testing and implementation of these measures needs to be part of a coordinated national effort in order to best promote their competitive neutrality. In this instance, allowing the states to experiment with number pooling and related measures would only lead to inconsistency as each state, in isolation, attempts to resolve the technical, administrative, and competitive concerns. The Commission should therefore grant the PUC a limited delegation of authority consistent with the recommendations set forth herein, but it should otherwise proceed within the context of its own number optimization docket to establish national guidelines.

Respectfully submitted,



William P. Hunt, III
Regulatory Counsel
Level 3 Communications, Inc.
1450 Infinite Drive
Louisville, CO 80027

Richard M. Rindler
Michael R. Romano
Ronald W. Del Sesto, Jr.
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
(202) 424-7500 (Tel)
(202) 424-7645 (Fax)

Dated: October 5, 1999

Counsel for Level 3 Communications, Inc.